



Entered on Docket
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINTH OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED, IN WHOLE
OR IN PART, UPON INVESTMENT IN
THE BAY POMPANO BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Ninth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach
3 Loan” [Docket No. 7283] (the “Objection”); with appropriate notice of the Objection
4 having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal. The remainder of those claims are disallowed to the extent
10 they are based upon a Direct Lender investment in the Bay Pompano
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon
13 investments in loans other than the Bay Pompano Beach Loan, this
14 order does not affect them and the USACM Trust may file further
15 objections.

16
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

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Attorneys for USACM Liquidating Trust

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles
John Hinderaker
Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02298	Jayem Family Lp Jacques Massa Gp	7 Paradise Valley Ct Henderson, NV 89052-6706	936,807.81	37,005.78	-	37,005.78
10725-02315	Wahl, David C	Po Box 8012 Mammoth Lakes, CA 93546	144,224.96	90,557.66	-	90,557.66
10725-02348	Melvin, Teri L	2704 Chokecherry Ave Henderson, NV 89074-1990	197,669.94	Unknown	-	Unknown
10725-02349	Melvin, Teri L	2704 Chokecherry Ave Henderson, NV 89074-1990	100,000.00	Unknown	-	Unknown
10725-02366	Al-Awar Living Trust DTD 4/05/01	Adib M & Ellen A Al-Awar Ttees 1330 Burro Ct Gardnerville, NV 89410	3,615,913.62	444,069.36	-	444,069.36
10725-02383	Minter Family 1994 Trust	Douglas & Elizabeth F Minter Ttees 5389 Conte Dr Carson City, NV 89701	1,244,089.74	100,000.00	-	100,000.00
10725-02393	Donald P Clark Family Trust	Donald P Clark Ttee 305 W Moana Ln Ste C Reno, NV 89509	1,118,023.12	104,448.86	-	104,448.86
10725-02423	Pinsker, Donald H	8650 W Verde Way Las Vegas, NV 89149-4145	1,633,057.16	148,023.12	-	148,023.12
10725-02445	Acosta, Ruth	2546 General Armistead Ave Norristown, PA 19403	56,467.05	Unknown	-	Unknown
10726-00067	Doucet, D. Joseph	Trustee Of Douchet Trust 3301 Skyline Blvd. Reno, NV 89509-6604	502,335.71	Unknown	-	Unknown

EXHIBIT A